

# HOUSE BILL No. 6261

November 13, 1990, Introduced by Reps. Profit and DeMars and referred to the Committee on State Affairs.

A bill to amend the title and section 307 of Act No. 135 of the Public Acts of 1986, entitled as amended "Asbestos abatement contractors licensing act," being section 338.3307 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and section 307 of Act No. 135 of the  
2 Public Acts of 1986, being section 338.3307 of the Michigan  
3 Compiled Laws, are amended to read as follows:

### TITLE

4  
5 An act to provide for the licensing and regulation of asbes-  
6 tos abatement contractors; to create the asbestos abatement con-  
7 tractors licensing board; to establish ~~the~~ CERTAIN powers and  
8 duties of the department of public health and the asbestos  
9 abatement contractors licensing board; to create an asbestos  
10 abatement fund and to provide for expenditures from the fund; to

1 provide for the promulgation of rules; TO ESTABLISH RIGHTS AND  
2 REMEDIES OF CERTAIN PERSONS UNDER CERTAIN CIRCUMSTANCES; to pro-  
3 vide for certain fees; and to provide for penalties and civil  
4 fines.

5       Sec. 307. (1) The department, upon recommendation by the  
6 board, shall promulgate pursuant to the administrative procedures  
7 act of 1969, a schedule of monetary civil penalties of not more  
8 than \$10,000.00 for each violation or day that the violation con-  
9 tinues which may be assessed for a specified violation of this  
10 act or a rule promulgated under this act. For a violation of the  
11 licensing provision in section 207, the department shall estab-  
12 lish monetary civil penalties in substantial compliance with the  
13 United States environmental protection agency's civil penalty  
14 policy for asbestos demolition and renovation but not more than  
15 \$25,000.00 for each violation or day that the violation  
16 continues.

17       (2) If the department believes that a person OR BUSINESS  
18 ENTITY has violated this act or a rule promulgated under this  
19 act, the department may issue a citation at that time or not  
20 later than 90 days after discovery of the alleged violation. The  
21 citation shall be written and shall state with particularity the  
22 nature of the violation, including reference to the section of  
23 this act or the rule alleged to have been violated, the civil  
24 penalty established for the violation, if any, and the right to  
25 appeal the citation pursuant to section 309. The citation shall  
26 be personally delivered or sent by registered mail to the alleged  
27 violator.

1       (3) A PERSON OR BUSINESS ENTITY CONTRACTING WITH A LICENSED  
2 ASBESTOS ABATEMENT CONTRACTOR REGARDING AN ASBESTOS ABATEMENT  
3 PROJECT SHALL NOT BE LIABLE FOR ANY CIVIL FINES LEVIED OR  
4 ASSESSED AGAINST THE ASBESTOS ABATEMENT CONTRACTOR FOR A VIOLA-  
5 TION OF THIS ACT OR RULES PROMULGATED UNDER THIS ACT UNLESS THAT  
6 PERSON OR BUSINESS ENTITY IS WORKING DIRECTLY IN THE ASBESTOS  
7 ABATEMENT PROJECT OR IS INVOLVED IN THE DEVELOPMENT OF THE OPERA-  
8 TIONS AND MAINTENANCE PLAN RELATIVE TO THAT ASBESTOS ABATEMENT  
9 PROJECT.